



ENVIRONMENTAL PROTECTION AGENCY

[EPA-R01-OW-2012-0201, FRL-9695-8]

Massachusetts Marine Sanitation Device Standard – Notice of Determination

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Determination.

SUMMARY: The Regional Administrator of the Environmental Protection Agency - New England Region, has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the state waters of Vineyard and Nantucket Sounds and the Islands collectively termed Southern Cape Cod.

ADDRESSES: *Docket:* All documents in the docket are listed in the www.regulations.gov index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available electronically in www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: Ann Rodney, U. S. Environmental Protection Agency – New England Region, Office of Ecosystem Protection, Oceans and

Coastal Protection Unit, Five Post Office Square, Suite 100, OEP06-1, Boston, MA

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SUPPLEMENTARY INFORMATION:

On April 26, 2012, EPA published a notice that the Commonwealth of Massachusetts had petitioned the Regional Administrator, Environmental Protection Agency, to determine that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the waters of Southern Cape Cod. Eight comments were received on this petition and all endorsed this designation. The response to comments can be obtained using the above contact information.

The petition was filed pursuant to Section 312 (f) (3) of Public Law 92-500, as amended by Public Laws 95-217 and 100-4, for the purpose of declaring these waters a No Discharge Area (NDA).

Section 312 (f) (3) states: After the effective date of the initial standards and regulations promulgated under this section, if any State determines that the protection and enhancement of the quality of some or all of the waters within such State require greater environmental protection, such State may completely prohibit the discharge from all vessels of any sewage, whether treated or not, into such waters, except that no such prohibition shall apply until the Administrator determines that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably

available for such water to which such prohibition would apply.

This Notice of Determination is for the waters of Southern Cape Cod. The NDA boundaries are as follows:

Waterbody/General Area	Latitude	Longitude
West of the Elizabeth Islands	41° 24' 35.11" N	70° 56' 54.62" W
West of the Elizabeth Islands	41° 22' 30.32" N	70° 59' 51.57" W
West of the Elizabeth Islands	41° 24' 17.81" N	71° 02' 06.69" W

The upper-eastern area of the NDA is bound by the Outer Cape NDA:

Waterbody/General Area	Latitude	Longitude
South of Monomoy Island	41° 32' 29.79" N	70° 00' 36.28" W
South of Monomoy Island	41° 29' 14.59" N	70° 00' 10.93" W

The small triangle of Commonwealth waters at the mouth of Buzzards Bay will be bound by the following coordinates along the Federal /State boundary line:

Waterbody/General Area	Latitude	Longitude
Mouth of Buzzards Bay	41° 24' 50.40" N	71° 02' 48.61" W
Mouth of Buzzards Bay	41° 25' 25.66" N	71° 03' 31.78" W
Mouth of Buzzards Bay	41° 25' 18.57" N	71° 04' 18.47" W

The two temporarily undesignated areas will be bound by the following coordinates:

Area 1:

Waterbody/General Area	Latitude	Longitude
Vineyard Sound	41° 30' 33.61" N	70° 40' 06.67" W
Vineyard Sound	41° 30' 49.20" N	70° 39' 19.65" W
Vineyard Sound	41° 30' 59.29" N	70° 39' 02.76" W
Vineyard Sound	41° 30' 03.08" N	70° 33' 54.78" W
Vineyard Sound	41° 28' 22.57" N	70° 33' 27.72" W
Vineyard Sound	41° 28' 44.74" N	70° 35' 18.74" W
Vineyard Sound	41° 29' 08.60" N	70° 35' 32.38" W

Area 2:

Waterbody/General Area	Latitude	Longitude
Nantucket Sound	41° 34' 27.90" N	70° 16' 48.99" W
Nantucket Sound	41° 34' 27.90" N	70° 15' 00.99" W
Nantucket Sound	41° 33' 20.36" N	70° 14' 39.33" W
Nantucket Sound	41° 31' 41.73" N	70° 12' 27.06" W
Nantucket Sound	41° 31' 07.88" N	70° 15' 32.25" W

The boundaries were chosen to maximize the area designated, give larger vessels a temporary window in which to comply with this proposed regulation, and generally represent all navigational waters. The Southern Cape Cod NDA will encompass the state waters of Vineyard and Nantucket Sounds and the Islands.

The information submitted to EPA by the Commonwealth of Massachusetts certifies that there are 29 pumpout facilities available to the boating public. The location, contact

information, hours of operation, and water depth are provided at the end of this notice.

Based on the examination of the petition and its supporting documentation, and information from site visits conducted by EPA New England staff, EPA has determined that adequate facilities for the safe and sanitary removal and treatment of sewage from all vessels are reasonably available for the area covered under this determination.

This determination is made pursuant to Section 312 (f) (3) of Public Law 92-500, as amended by Public laws 95-217 and 100-4.

Pumpout Facilities within Proposed No Discharge Area

Name	Location	Contact Information	Hours of Operation	Depth (Ft)
Menemsha Harbor	Chilmark	508-645-2846 VHF 9,16	8am-4pm	4
Vineyard Haven Harbor /Tashmoo Pond	Tisbury	508-696-4249 VHF 9	9am-4pm	NA
Tisbury Wharf Co.	144 Beach Road, P.O. Box 1317, Tisbury	508-693-9300 VHF 9	9am-4pm	4
Oak Bluffs Harbor	Oak Bluffs	508-693-4355	9am-4pm	NA

		VHF 71		
Oak Bluffs Harbor Marina	Box 1327, Oak Bluffs	508-693-4355 VHF 71	9am-4pm	6
Edgartown Marina	1 Morse Street Edgartown	508-627-4746 VHF 9, 74	8am-4pm	6
Edgartown Harbor	1 Morse Street Edgartown	508-627-4746 VHF 9, 74	8am-4pm	NA
Falmouth Marine Inner Harbor	278 Scranton Avenue, Falmouth	508-548-4600 VHF 9, 16	9am-5pm	6
McDougall's Inner Harbor	145 Falmouth Heights Road, Falmouth	508-548-3146 VHF 9, 16	9am-5pm	NA
Falmouth Town Dock	Falmouth	508-457-2550 VHF 9, 16	9am-5pm	6
Green Pond Marina	70 Green Harbor Road, East Falmouth	508-457-9283 VHF 9, 16	9am-4pm	3
Bosun's Marine	1209 East Falmouth Highway, Route 28, Falmouth	508-548-2216 VHF 9, 16	9am-4pm	3
Waquoit Bay/Inner Harbor	Falmouth	508-457-2550 VHF 9, 16	9am-5pm	NA

Popponessett Bay	Mashpee	508-539-1450 VHF 9, 16	9am-4pm	NA
Oyster Harbor Marine	122 Bridge Street, Osterville	508-428-2017 VHF 9, 79	9am-4pm	6
Crosby Yacht Yard	72 Crosby Circle Osterville, MA	508-428-6900 VHF 9	9am-5pm	6
Centerville Harbor/ 3 Bays	Barnstable	508-790-6273 VHF 9,16	9am-4pm	NA
Bismore Park (Hyannis)	180 Ocean Street Hyannis	508-790-6273 VHF, 9, 16	9am-5pm	6
Hyannis Marine	1 Willow Street, Hyannis	508-790-4000 VHF 9,72	9am-5pm	6
Lewis Bay/Hyannis Harbor/Bass River	Yarmouth	508-760-4800 VHF 66	9am-4pm	NA
Bass River	Packet Landing, Water Street. Yarmouth	508-760-4800 VHF 66	9am-4pm	3
Bass River Marina	140 Main Street, West Dennis	508-394-8341 VHF 71	8am- 5pm	3
Saquatucket, Allen & Wychmere Harbors	Harwich	508-430-7532 VHF 68	9:30am-3:30pm	NA

(Within existing NDA)				
Saquatucket, fuel dock (Within existing NDA)	Harwich	508-430-7532 VHF 68	9am-5pm	5
Stage Harbor (Within existing NDA)	Chatham	508-945-5185 VHF 16, 66	7am-6pm	5.5
Madaket Marine (Within Existing NDA)	Nantucket	508-2281163 VHF 9,16	9am-5pm	3
Nantucket Boat Basin (Within Existing NDA)	Nantucket	508-325-1350 VHF 9,11	9am-5pm	6
Nantucket Harbor (Within Existing NDA)	Nantucket	508-228-7261 VHF 9,14	9am-4pm	6
Nantucket Harbor (Within Existing NDA)	Nantucket	508-228-7261 VHF 9,14	9am-4pm	NA

Dated: June 20, 2012.

H. Curtis Spalding,

Regional Administrator, New England Region.

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